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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,170	08/17/2001	Federico G. Jaekl	P 280447 701750-Dkt 419	1450

909 7590 11/17/2003
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EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

DATE MAILED: 11/17/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

C2013

Office Action Summary

Application No.

09/931,170

Applicant(s)

JAEKEL, FEDERICO G.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellison (USPN 6399193). Ellison teaches the claimed process as evident by col 1, ln 20-25 and col 4, ln 17-col 7, ln 2. Ellison teaches the thermoplastic material on the side opposite to the transparent layer being sufficiently rigid to form an exterior body panel (plastic panel as the substrate) at col 1, lns 13-16 and col 6, lns 43-49. Ellison also teaches applying the thermoplastic material by applying preformed sheets of thermoplastic material (col 6, lns 26-49).

3. Claim 18, 21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellison (USPN 6399193). Ellison teaches the claimed process as evident by col 1, ln 20-25 and col 4, ln 17-col 7, ln 2. Ellison also teaches applying the thermoplastic material by applying preformed sheets of thermoplastic material (col 6, lns 26-49); and pressing the decorative material, the top layer and the bottom layer in a vacuum mold to form a laminate (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2). Ellison teaches using the thermoplastic material on the side opposite to the transparent layer as a substrate wherein the substrate is an exterior plastic panel of an automotive vehicle (col 1, lns 13-

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16 and col 6, lns 43-49). It should be noted that it is inherent that the plastic exterior panel of Ellison would be attached to the exterior frame of an automotive vehicle.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (USPN 6399193) in view of Mueller (USPN 5230906). In regard to claim 5, Ellison teaches the basic claimed process including a method of making vacuum formed exterior body panels (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); providing a layer of decorative material (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); depositing on one side of the decorative material a resin which when cured forms a plastic layer that is substantially transparent (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); depositing on an opposite side of the decorative material a resin which when cured forms a plastic layer (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); heating the decorative material and the plastic layers (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); pressing the decorative material, the top layer and the bottom layer in a vacuum mold to form a laminate (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); and cooling the pressed laminate (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2). Ellison also teaches using the thermoplastic material on the side opposite to the transparent layer to form an exterior body panel (col 1, lns 13-16

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and col 6, lns 43-49)--as a note, the thermoplastic is sufficiently rigid to form a panel, and the substrate is a plastic exterior panel. However, Ellison does not teach using a mixture of epoxy and resin in the plastic layers. Mueller teaches vacuum molding a car body part (col 1, lns 15-21; abstract; figs 1-4); and coating the top and bottom surfaces of a fibrous web/decorative material with a mixture of epoxy and resin (col 3, lns 39-41). Ellison and Mueller are combinable because they are analogous with respect to forming a car body part. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mixture of epoxy and resin as taught by Mueller as the depositing material of Ellison in order to form durable parts from readily-available materials. In regard to claims 6-8, Ellison teaches using a flexible decorative material (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); using a vacuum mold comprising an upper die and a lower die (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2); and removing air from the vacuum mold in forming the molded laminate (col 1, ln 20-25 and col 4, ln 17-col 7, ln 2).

6. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (USPN 6399193). The above teachings of Ellison are incorporated hereinafter. Ellison does not teach providing a decorative layer of woven fabric or screening; and applying the thermoplastic material by spraying. In regard to providing a decorative layer of woven fabric or screening, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, decorative layers of woven fabric or screening are well-known in the molding

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art for their aesthetic appeal. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use woven fabric or screening as the decorative layer of Ellison in order to enhance the aesthetic appeal of the exterior panel. In regard to applying the thermoplastic material by spraying, it is well-known in the molding art to coat a layer of material by spraying. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to spray the thermoplastic material of Ellison as the method of coating in order to reduce coating complexity.

7. Claims 13,15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (USPN 6399193) in view of Mueller (USPN 5230906). The above teachings of Ellison and Mueller are incorporated hereinafter. Ellison does teach applying a resin on both sides of the decorative material by applying pre-formed sheet of the resin (col 4 lns 18-60; col 6, lns 26-49). Ellison does not teach providing a decorative layer of woven fabric or screening; and applying the resin mixture by spraying. In regard to providing a decorative layer of woven fabric or screening, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, decorative layers of woven fabric or screening are well-known in the molding art for their aesthetic appeal. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use woven fabric or screening as the decorative layer of Ellison in order to enhance the aesthetic appeal of the exterior panel. In regard to applying the resin mixture by

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spraying, it is well-known in the molding art to coat a layer of material by spraying.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to spray the resin mixture of Ellison (modified) as the method of coating in order to reduce coating complexity.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (USPN 6399193). The above teachings of Ellison are incorporated hereinafter. Ellison does not teach providing a decorative layer of woven fabric or screening; and applying the thermoplastic material by spraying. In regard to providing a decorative layer of woven fabric or screening, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, decorative layers of woven fabric or screening are well-known in the molding art for their aesthetic appeal. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use woven fabric or screening as the decorative layer of Ellison in order to enhance the aesthetic appeal of the exterior panel. In regard to applying the thermoplastic material by spraying, it is well-known in the molding art to coat a layer of material by spraying. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to spray the thermoplastic material of Ellison as the method of coating in order to reduce coating complexity.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (USPN 6399193) as applied to claim 18 above and further in view of Mueller (USPN

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5230906). The above teachings of Ellison are incorporated hereinafter. Ellison does not teach using a mixture of epoxy and resin in the plastic layers. Mueller teaches vacuum molding a car body part (col 1, lns 15-21; abstract; figs 1-4); and coating the top and bottom surfaces of a fibrous web/decorative material with a mixture of epoxy and resin (col 3, lns 39-41). Ellison and Mueller are combinable because they are analogous with respect to forming a car body part. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mixture of epoxy and resin as taught by Mueller as the depositing material of Ellison in order to form durable parts from readily-available materials.

10. Applicant's arguments filed 9/5/03 have been fully considered but they are not persuasive. Applicant argues that Ellison does not teach molding an exterior panel. In response, it is evident from col 1, lns 13-16 and col 6, lns 43-49 of Ellison that Ellison teaches molding the support layer with thickness and strength to constitute a substrate wherein the substrate is a plastic exterior panel of an automotive vehicle. Thus, Ellison does teach molding an exterior panel.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H. LEE
Primary Examiner
Art Unit 1732
1/14/03

EHL